

**S.R. 629** - By Senator Farabee: Extending congratulations to the Fort Griffin Fandangle Association.

**S.R. 631** - By Senator Adams: Extending congratulations to B. L. (Les) Saunders.

#### **ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:38 o'clock p.m. adjourned until 9:30 o'clock a.m. tomorrow.

#### **APPENDIX**

##### **Sent to Governor**

**(May 27, 1975)**

**S.B. 300**

#### **EIGHTY-THIRD DAY** **(Wednesday, May 28, 1975)**

The Senate met at 9:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Träeger and Williams.

A quorum was announced present.

The Reverend Dr. Jimmy Phillips, University Hills Baptist Church, Austin, Texas, offered the invocation as follows:

Holy Father,

Creator of Heaven and earth and all that dwells within, hear our petitions as we beseech You for the divine guidance to live these days as Your servants. Grant us the wisdom to make the best possible decisions in all situations of life. We especially plead with You on behalf of these men and women who serve our state government.

Give them that rare ability to choose decisively even when none of the alternatives are ideal, even when they must choose between the lesser of two evils. May they do the best with what they have.

And thank You God for the gift of "new beginnings," for the promise that You are with us in every situation giving us a fresh chance, a new start. So as we begin a new day, let us do so with the calm assurance that we have another chance to be, another chance to serve, another chance to make wise decisions. So let us live and work.

In the name of Christ our Savior, Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE

Hall of the House of Representatives  
Austin, Texas, May 28, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 21**, A bill to be entitled An Act relating to the use of generic names for prescription drugs; amending Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 454a, Vernon's Texas Civil Statutes), by adding Sections 5A and 8A; repealing Subsection (h), Section 12, Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes), relating to the substitution of drugs by pharmacists in prescriptions; creating a State Formulary Commission; and declaring an emergency.

**H.B. 1403**, A bill to be entitled An Act relating to fair employment practices; creating within the Department of Labor and Standards the Fair Employment Practices Commission and prescribing its powers, duties, and functions; providing penalties and other sanctions; amending Title 83, Revised Civil Statutes of Texas, 1925, by adding Chapter 1A; and declaring an emergency.

**H.B. 31**, A bill to be entitled An Act relating to student use fees at state-supported institutions of higher education; amending Section 55.16, Texas Education Code, as amended; and declaring an emergency.

**S.J.R. 49**, Proposing a constitutional amendment to increase to \$800 million the amount of Texas Water Development Bonds that may be issued and outstanding by the Texas Water Development Board on approval of a two-thirds vote of each House of the Legislature, consolidating the provisions of Article III, Sections 49-c and 49-d, of the Texas Constitution, and repealing Article III, Section 49-d, of the Texas Constitution. (With amendments)

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following reports for the Committee on Education:

**H.B. 1142**  
**H.B. 1313**

Senator Aikin submitted the following reports for the Committee on Finance:

**H.B. 1328**  
**H.B. 1861**

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

**S.B. 1124**  
**H.B. 1296**  
**H.B. 1096**  
**H.B. 2169**  
**H.B. 2031**  
**H.B. 2179 (Amended)**  
**H.B. 272**  
**H.B. 1119**  
**H.B. 2027**  
**H.B. 1549 (Amended)**  
**H.B. 2208**  
**H.B. 2232**  
**H.B. 1779**  
**H.B. 1778 (Amended)**  
**H.B. 486**  
**H.B. 1705**  
**H.B. 1486**  
**H.B. 2223**  
**H.B. 413**  
**C.S.S.B. 1108 (Read first time)**  
**C.S.H.B. 1484 (Read first time)**  
**C.S.H.B. 2175 (Read first time)**  
**C.S.H.B. 1694 (Read first time)**

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

**H.B. 769**  
**H.B. 1324**

**H.B. 2186**  
**H.B. 1509**  
**H.B. 974**  
**H.B. 1270**  
**H.B. 1245**

Senator Adams submitted the following reports for the Committee on Administration:

<b>H.C.R. 149</b>	<b>H.C.R. 144</b>
<b>H.C.R. 102</b>	<b>H.C.R. 118</b>
<b>H.C.R. 142</b>	<b>H.C.R. 146</b>
<b>H.C.R. 126</b>	<b>H.C.R. 136</b>
<b>S.C.R. 39</b>	<b>H.C.R. 150</b>
<b>S.C.R. 87</b>	<b>H.C.R. 116</b>
<b>S.C.R. 88</b>	<b>H.B. 1990</b>
<b>S.C.R. 89</b>	<b>H.B. 1440</b>
<b>H.B. 721</b>	

#### **RESOLUTION ON FIRST READING**

The following resolution was introduced, read first time and referred to the Committee indicated:

By Senator McKinnon:

**S.R. 636**, Providing for creation of an Interim Committee to study feasibility and desirability of establishing a University of South Texas System.  
To Committee on Administration.

#### **HOUSE CONCURRENT RESOLUTION 151 ON SECOND READING**

The President laid before the Senate the following resolution:

**H.C.R. 151**, Authorizing Enrolling and Engrossing Clerk to make certain corrections in **H.B. 46**.

The resolution was read.

On motion of Senator Braecklein and by unanimous consent, the resolution was considered immediately and was adopted.

#### **SENATE RESOLUTION 635**

By unanimous consent, Senator Brooks offered the following resolution:

**RESOLVED**, By the Senate of Texas, 64th Legislature, that each Thursday morning at 8:30, unless notice is given twenty-four hours in advance, and at other times as the Senate may direct, the Senate shall meet in session to consider bills and resolutions on the Local and Uncontested Calendar.

The calendar shall be placed on the desks of members of the Senate no later than noon of the day preceding the session. A bill or resolution on the calendar may not be considered if two or more members object.

The Local and Uncontested Calendar shall be prepared by the Committee on Administration from applications submitted by members of the Senate. The Committee may not consider a bill or resolution for a place on the calendar unless (1) the bill or resolution, or a printed copy thereof, is presented to the Committee and (2) a request for assignment to the calendar is made in writing by the chairman of the standing committee from which the bill or resolution was reported. The Administration Committee may establish a time after which applications for a place on the calendar may not be accepted.

The Committee on Administration may not place a bill or resolution on the Local and Uncontested Calendar if the bill or resolution (1) creates a new department or subdivision of a department, unless the bill or resolution is purely local in nature and the expenditure is not from state funds; (2) contains any appropriation or requires an annual expenditure from state funds in excess of \$50,000; or (3) is contested.

The resolution was read and was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Jones and McKinnon.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 595 ADOPTED**

Senator Jones called from the President's table the Conference Committee Report on **S.B. 595**. (The Conference Committee Report having been filed with the Senate and read on May 27, 1975.)

On motion of Senator Jones, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1188**

Senator Santiesteban submitted the following Conference Committee Report:

Austin, Texas  
May 28, 1975

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1188** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SANTIESTEBAN  
DOGGETT  
MAUZY  
GAMMAGE  
LONGORIA  
On the part of the Senate

EVANS  
SPURLOCK  
MALONEY  
GEIGER  
WASHINGTON  
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1535**

Senator Creighton submitted the following Conference Committee Report:

Austin, Texas  
May 28, 1975

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1535** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CREIGHTON  
HARRIS  
JONES  
SANTIESTEBAN  
TRAEGER  
On the part of the Senate

SULLIVANT  
TANNER  
OLSON  
BOCK  
NUGENT  
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### SENATE BILL 529 WITH HOUSE AMENDMENTS

Senator Traeger called **S.B. 529** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### COMMITTEE AMENDMENT NO. 1

Strike out all below the enacting clause and substitute therefor the following:

"Section 1. Amend Chapter 9., Title 71, Revised Civil Statutes of Texas, 1925, as amended, by adding a new article to be known as Article 4551c (1) to read as follows:

##### "Article 4551c (1) Peer Review or Grievance Committees

"(a) As used in this Act, the term 'Dental Peer Review Committee' or 'Dental Grievance Committee' shall mean members of a committee composed of practicing dentists duly licensed by the Texas State Board of Dental Examiners, and which committee shall act for the purpose of reviewing and evaluating dental treatment and dental services in disputes involving licensed dentists, dental patients and/or third party payors financially obligated to pay in whole or in part for dental treatment or dental services rendered; and, such committee, when requested by all parties concerned, shall act as arbitrator between said parties. A Dental Peer Review or Grievance Committee shall be composed of and elected by a majority of the licensed dentists in the area served by such committee.

"(b) In the absence of fraud, conspiracy or malice, neither a Dental Peer Review or Grievance Committee formed hereunder nor a member thereof, nor any witness or consultant called by such committee, shall be liable for any finding, evaluation or recommendation of such committee or, the testimony or statements made by a member of the committee, or as a witness or consultant thereto. Any member of a Dental Peer Review or Grievance Committee shall be disqualified from acting as a member thereof where the dental treatment or dental services rendered or performed by him is being reviewed by such committee.

“(c) Nothing in this Act shall prevent any party or person from availing himself of any legal remedy except for the specific immunity granted herein.

“Section 2. ‘Peer Review’ or ‘Grievance Committees’ formed hereunder shall each elect from their membership one member to serve on and be a member of the ‘State Appeals Committee’ of the area committees which ‘State Appeals Committee’ shall hear and decide all appeals from area committees. The ‘State Appeals Committee’ shall prepare and adopt rules and regulations governing the procedure and operation of the area committees and of the ‘State Appeals Committee’ to insure fair and impartial hearings and appeals.

“Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

“Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.”

#### COMMITTEE AMENDMENT NO. 2

Amend the caption to conform to the body of the bill as follows:

“A BILL TO BE ENTITLED

“AN ACT

“relating to Dental Peer Review or Grievance Committees, defining such Committee or Committees; providing for the election of the membership of such Committees; limiting liability of members, consultants and witnesses thereto; providing for an appeals committee, Rules and Regulations and for disqualification of members under certain conditions; providing a severability clause and declaring an emergency.”

The House amendments were read.

Senator Traeger moved to concur in House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santicsteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy.

#### SENATE BILL 925 WITH HOUSE AMENDMENTS

Senator Moore called S.B. 925 from the President's table for consideration of the House amendments to the bill.



The President laid the bill and the House amendments before the Senate.

#### COMMITTEE AMENDMENT NO. 1

Amend **S.B. 925** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 5, Insurance Code, is amended by adding a new Article 5.43-2 to read as follows:

"Section 1. **PURPOSE.** The purpose of this Act is to regulate the sales, servicing, installation, and maintenance of fire detection and fire alarm devices and systems in the interest of safeguarding lives and property.

"Section 2. **DEFINITIONS.** As used in this Act:

"(1) 'Person' means a natural person, including an owner, manager, officer, employee, occupant, or individual.

"(2) 'Organization' means a corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, firm or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

"(3) 'Advisory Council' means a group of five individuals experienced and knowledgeable in one or more of the following areas: sale, installation, maintenance, or manufacturing of fire alarm or detection systems, fire services or be a member of a fire protection association which is to be appointed by the State Board of Insurance.

"(4) 'Board' means the State Board of Insurance.

"(5) 'Sale' means sale or offering for sale, lease, or rent any merchandise, equipment, or service at wholesale or retail, to the public or any person, for an agreed sum of money or other consideration.

"(6) 'Installation' means the initial placement of equipment and/or the extension, modification, or alteration of equipment already in place.

"(7) 'Approval, Approved' means that equipment which has been tested or listed by a nationally recognized fire testing laboratory such as but not limited to Underwriters' Laboratories, Inc. or Factory Mutual Research Corporation, or has gained specific written approval for the use intended by the state marshal.

"(8) 'Maintenance' means to maintain in a condition of repair that will allow performance as originally designed or intended.

"(9) 'Service, Servicing' means any charging, recharging, maintaining, repairing, testing, or installing.

"(10) 'Fire Detection Device' means any arrangement of materials, the sole function of which is to provide indication of fire, smoke, or combustion in its incipient stages.

"(11) 'Fire Alarm Device' means any device capable, through audible and/or visible means, of sounding a warning that fire or combustion has taken or is taking place.

"(12) 'Fire Alarm Installation Superintendent' means an individual or individuals who shall be designated by each company that sells, services, installs, or maintains a fire alarm or detection system to inspect and certify that each fire alarm or detection system as installed meets the standards as provided for by law.

"Section 3. **EXCEPTIONS.** The provisions of this Act and the rules and regulations promulgated under this Act shall have uniform force and effect throughout the state and no municipality or county shall hereinafter enact any ordinances, rules or regulations inconsistent with the provisions of this Act or rules and regulations promulgated pursuant to this Act. Provided, however, that any municipality or county ordinances, rules, or regulations in force or effect on the effective date of this Act shall not be invalidated because of any provision of this Act. Provided further that the provisions of this Act shall not apply to the sale, offer for sale, or installation of approved fire detection devices or approved fire alarm devices designed for and installed

in other than commercial, business, or public buildings.

"Section 4. ADMINISTRATION. The board shall administer the Act and it may issue rules and regulations which it considers necessary to its administration through the state fire marshal. The board, in promulgating necessary rules and regulations, may utilize recognized standards such as, but not limited to, those of the National Fire Protection Association, those recognized by federal law or regulation, those published by any nationally recognized standards-making organization, or any information furnished by individual manufacturers. Also, the board may issue necessary rules and regulations for protection of life and property, after due notice and hearing.

"Section 5. REGISTRATION AND LICENSING. (a) Each organization engaged in the business of selling, servicing, installing or maintaining fire alarm or fire detection devices shall have a certificate of registration issued by the board. The initial fee for the certificate of registration is \$250 and the renewal fee for each year thereafter is \$150.

"(b) Each separate office location of an organization engaged in the act of selling, leasing, servicing, maintaining, or installing fire detection or fire alarm devices or systems, other than the location identified on the certificate of registration, shall have a branch office registration certificate, issued by the board. The initial fee for this branch office registration certificate is \$50 and the renewal fee for each year thereafter is \$50. The board shall identify each branch office location as a part of a registered organization before a branch office registration certificate may be issued.

"(c) Each Fire Alarm Installation Superintendent must obtain a license issued by the board. The initial fee for the license is \$25 and the renewal fee for each year thereafter is \$15.

"(d) No person may inspect with the intention of certifying any fire alarm or fire detection system or device unless he is the holder of a valid and current license issued pursuant to this Act.

"(e) A person licensed pursuant to this Act to inspect and certify a fire alarm or fire detection system or device, shall be an employee or agent of an organization that holds a valid and current certificate of registration issued pursuant to this Act.

"(f) A person who sells, services, installs, or maintains fire alarm systems or fire detection devices shall be an employee or agent of an organization that holds a valid certificate or registration issued pursuant to this Act.

"Section 6. POWERS AND DUTIES OF THE STATE BOARD OF INSURANCE. The board shall delegate authority to exercise all or part of its functions, powers, and duties under this Act, including the issuance of certificates, to the state fire marshal, and the state fire marshal along with assistance of a nonbinding advisory council to be appointed by the board shall implement such rules and regulations as may be determined by the board to be essentially necessary for the protection and preservation of life and property in controlling:

"(1) the registration of organizations engaging in the business of selling, servicing, installing, or maintaining fire alarm or fire detection devices and systems;

"(2) the requirements for the sale, service, installation, or maintenance of fire alarm or fire detection devices or systems by:

"(A) conducting examinations and evaluating the qualifications of applicants for a certificate of registration to engage in the business of selling, servicing, installing, or maintaining fire alarm or fire detection devices and systems;

"(B) evaluating and determining which organizations shall be approved as testing laboratories for fire alarm and fire detection devices and systems; and

"(C) evaluating and approving a required training program for all persons who engage in the business of selling, servicing, installing, or maintaining fire alarm or fire detection devices and systems.

"Section 7. CERTAIN ACTS PROHIBITED. No organization pursuant to this Act may do any of the following:

"(1) sell, service, install, or maintain fire alarm or fire detection devices and systems without a valid and current certificate of registration;

"(2) obtain or attempt to obtain a certificate of registration by fraudulent representation; or

"(3) sell, service, install, or maintain fire alarm or fire detection devices or systems contrary to the provisions of this Act or the rules and regulations formulated by the board under the authority of this Act.

"Section 8. FEES COLLECTED. The fees herein provided for, when collected, shall be placed with the state treasurer in a separate fund, which shall be known as the fire alarm and detection systems fund, and expenditures shall be made from said fund as set forth in the General Appropriations Act.

"Section 9. SELLING OR LEASING FIRE ALARM OR FIRE DETECTION DEVICES. (a) No device or alarm, the sole intended purpose of which is to detect and/or give alarm of fire, may be sold, offered for sale, leased, or installed in this state unless it carries a label of approval of a nationally recognized testing laboratory or a laboratory approved by the fire marshal.

"(b) No fire detection or alarm device may be sold or installed in this state unless accompanied by printed information supplied to the owner by the supplier or installing contractor concerning:

"(1) instructions describing the installation, operation, testing, and proper maintenance of the device;

"(2) information which will aid in establishing an emergency evacuation plan for the protected premises; and

"(3) the telephone number and location, including notification procedures, of the nearest fire department.

"Section 10. APPLICATIONS AND HEARINGS ON LICENSES AND CERTIFICATES. (a) Applications and qualifications for certificates issued hereunder shall be made pursuant to rules and regulations adopted by the board.

"(b) The board shall conduct hearings or proceedings concerning the suspension, revocation, or refusal of the issuance or renewal of certificates of registration, or approvals of testing laboratories issued under this Act or the application to suspend, revoke, refuse to renew, or refuse to issue the same.

"(c) A certificate of registration, or testing laboratory approval may be denied, or same duly issued may be suspended or revoked, or the renewal thereof refused, if after notice and public hearing, the board finds from the evidence presented at said hearing that one or more provisions of this Act or of any rule or regulation promulgated under this Act has been violated.

"Section 11. PENALTIES. (a) Any person who individually, or as an employee or agent of an organization, violates any of the provisions of this Act or order of the board made in accordance with this Act, shall forfeit to the people of the state a sum not to exceed \$500 for each such violation, which may be recovered by a civil action.

"(b) In addition to any other penalties, any person of an organization who performs a function that requires a certificate of registration as described herein without first obtaining such certificate of registration commits a Class B misdemeanor."

Sec. 2. Chapter 1, Insurance Code, as amended, is amended by adding Article 1.09A to read as follows:

"Article 1.09A. OFFICE OF THE STATE FIRE MARSHAL.

"The chairman of the board shall appoint a state fire marshal, who shall be a state commissioned officer, and who shall function as such subject to the rules and regulations of the board. He shall administer, enforce, and carry out the applicable provisions of this code relating to the duties and responsibilities of the state fire marshal under the supervision of the board. He shall hold his position at the pleasure of the board and may be discharged at any time. The state fire marshal shall be the

chief investigator in charge of the investigation of arson and suspected arson within the state, and may commission arson investigators to act under his supervision, and may revoke an investigator's commission for just cause. After consultation with the state fire marshal, the State Board of Insurance shall adopt necessary rules and regulations to guide the state fire marshal and his investigators in the investigation of arson and suspected arson."

Sec. 3. Subsection (b), Article 1.09, Insurance Code, is repealed.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### **FLOOR AMENDMENT NO. 1**

Amend Committee Amendment 1 to **S.B. 925** by inserting the words "the National Electrical Code," between the words "Protection Association," and "those recognized" in Section 4 of Article 5.43-2.

#### **FLOOR AMENDMENT NO. 2**

Amend Committee Amendment 1 to **S.B. 925** by inserting the words ", electrical engineering" between the words "detection systems" and the words ", fire services" in Subsection (3) of Section 2 of Article 5.43-2.

#### **FLOOR AMENDMENT NO. 3**

Amend Committee Amendment 1 to **S.B. 925** by inserting a new Subsection 5.43-2(5)(g) to read as follows:

"(g) A master electrician, holding a current license issued by the municipality in which the installation is made, is eligible to be registered under Subsection (a) of this section."

The House amendments were read.

Senator Moore moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams.

#### **VOTE BY WHICH HOUSE CONCURRENT RESOLUTION 152 ADOPTED RECONSIDERED**

On motion of Senator Gammage and by unanimous consent, the vote by which **H.C.R. 152** was adopted was reconsidered.

Question - Shall **H.C.R. 152** be adopted?

Senator Gammage offered the following amendment to the resolution:

Amend **H.C.R. 152** in the fourth resolving clause by striking the figure "31" immediately following the word "Section" and preceding the word "of" and substituting therefor the figure "34".

The amendment was read and was adopted.

#### **RECORD OF VOTE**

Senator Adams asked to be recorded as voting "Nay" on the adoption of the amendment.

The resolution as amended was then again adopted.

#### **RECORD OF VOTE**

Senator Adams asked to be recorded as voting "Nay" on the adoption of the resolution.

#### **HOUSE CONCURRENT RESOLUTION 149 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 149** was ordered not printed.

#### **HOUSE CONCURRENT RESOLUTION 102 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 102** was ordered not printed.

#### **HOUSE CONCURRENT RESOLUTION 142 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 142** was ordered not printed.

#### **HOUSE CONCURRENT RESOLUTION 126 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 126** was ordered not printed.

#### **HOUSE CONCURRENT RESOLUTION 144 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 144** was ordered not printed.

#### **HOUSE CONCURRENT RESOLUTION 118 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 118** was ordered not printed.

#### **HOUSE CONCURRENT RESOLUTION 146 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 146** was ordered not printed.

**HOUSE CONCURRENT RESOLUTION 136 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 136** was ordered not printed.

**HOUSE CONCURRENT RESOLUTION 150 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 150** was ordered not printed.

**HOUSE CONCURRENT RESOLUTION 116 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.C.R. 116** was ordered not printed.

**SENATE CONCURRENT RESOLUTION 39 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **S.C.R. 39** was ordered not printed.

**SENATE CONCURRENT RESOLUTION 87 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **S.C.R. 87** was ordered not printed.

**SENATE CONCURRENT RESOLUTION 88 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **S.C.R. 88** was ordered not printed.

**SENATE CONCURRENT RESOLUTION 89 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **S.C.R. 89** was ordered not printed.

**HOUSE BILL 721 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.B. 721** was ordered not printed.

**HOUSE BILL 1990 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.B. 1990** was ordered not printed.

**HOUSE BILL 1440 ORDERED NOT PRINTED**

On motion of Senator Adams and by unanimous consent, **H.B. 1440** was ordered not printed.

**HOUSE BILL 1097 ON SECOND READING**

The President laid before the Senate as unfinished business, **H.B. 1097** on its second reading and passage to third reading:

**H.B. 1097**, A bill to be entitled An Act relating to apportionment of the state into representative districts; repealing Chapter 351, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 195a, Vernon's Texas Civil Statutes); repealing Chapters 733 and 808, Acts of the 61st Legislature, Regular Session, 1969 (Articles 195a-1 and 195a-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Question - Shall **H.B. 1097** be passed to third reading?

(Senator Sherman in the Chair)

Senator Schwartz offered the following amendment to the bill:

Amend House Bill 1097 by striking Subparts 17, 19A, and 19B and substituting in lieu thereof the following:

"17. Chambers County, that part of Harris County included in census tracts 359, 360, 362, 363, 365, 366, 367, 368, 369, and 370, and that part of Galveston County included in census tracts 1205, 1206, 1208, 1209, 1210, 1211, and 1217, that part of census tract 1255 West of the Houston Ship Channel and North of the Texas City Dike and a line extending from the Texas City Dike to the Houston Ship Channel, that part of census tract 1216 included in census block tracts 101, 102, 103, 104, 105, 106, 107, 108, 109, 902, 913, 920, 921, 922, 923, 924, 925, and that part of census block tracts 914 and 919 East of the Galveston, Houston and Henderson Railroad, that part of census tract 1213 East of State Highway 3, that part of census tracts 1204 and 1207 not included in district 19, and that part of census tract 1212 East of State Highway 3 and South of Deats Road.

"19. That part of Galveston County included in census tracts 1201, 1202, 1203, 1214, 1215, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, that part of census tract 1213 West of State Highway 3, that part of census tract 1204 South and East of a line beginning with the intersection of U. S. Highway 75 and the South boundary line of the S.F. Austin League survey, then East and North along the S. F. Austin League survey to the boundary line of the Michael Muldoon survey, then East along the Michael Muldoon survey to a point where it intersects the Galveston, Houston and Henderson Railroad, and that part of census tract 1207 South of the South boundary line of the Michael Muldoon survey, and that part of census tracts 1212, 1216, and 1255 not included in District 17.

"Place 1

"Place 2".

The amendment was read and failed of adoption.

Senator Schwartz offered the following amendment to the bill:

Amend **H.B. 1097** by striking Subparts 17, 19A, and 19B and substituting in lieu thereof the following:

"17. Chambers County, that part of Galveston County included in census tracts 1210, 1211, 1216, 1217, 1219, 1254, and 1255, and that part of Harris County included in census tracts 359, 360, 362, 363, 365, 366, 367, 368, 369, and 370.

"19. That part of Galveston County not included in district 17.

"Place 1

"Place 2".

The amendment was read.

Senator Meier moved to table the amendment.

Question on the motion to table the amendment, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 16, Nays 14, Present-Not voting 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Gammage, Harrington, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Mendgen, Patman, Sherman and Williams.

Nays: Aikin, Clower, Creighton, Doggett, Farabec, Hance, Harris, Mauzy, McKnight, Moore, Santiesteban, Schwartz, Snelson and Traeger.

Present-Not voting: Ogg.

The bill was passed to third reading.

#### RECORD OF VOTE

Senator Schwartz asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 1097 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1097** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: McKnight, Moore and Schwartz.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Schwartz.



(President in the Chair)

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 28, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 189**, A bill to be entitled An Act relating to reporting motor vehicle accidents; amending Sections 39 and 43A and Subsection (a), Section 44, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency.

**H.B. 468**, A bill to be entitled An Act relating to the establishment of the International Commerce Division of the Texas Industrial Commission and to the Texas Industrial Commission's hearing and report of employment controversies; amending Articles 5188 and 5189, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

**H.B. 505**, A bill to be entitled An Act relating to the recovery of claims from suits founded on certain oral or written contracts; amending Article 2226, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

**H.B. 516**, A bill to be entitled An Act relating to the times and places for, and the methods and manner of, taking shrimp; providing for the issuance of duplicate shrimp boat licenses to on a change of boat ownership; providing penalties; providing for the liability for violations; providing a period of limitation; providing for the seizure, and method of sale of marine life; providing an exception to saltwater fish size limitations; amending, adding, or repealing Subsection (m) of Section 3, Subsection (a) of Section 4, Subsection (d) of Section 4, Subsection (d) of Section 5, Subsection (e) of Section 6, Subsection (f) of Section 6, Subsection (g) of Section 6, Subsection (h) of Section 6, Subsection (i) of Section 6, Subsection (j) of Section 6, Subsection (b) of Section 7, Subsection (c) of Section 7, Subsection (b) of Section 13, Subsection (i) of Section 13, Texas Shrimp Conservation Act, as amended (Article 4075b, Vernon's Texas Civil Statutes); amending Article 897a, Penal Code of Texas, 1925, as amended; amending Subdivision 13, Section 3, Chapter 29, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 934a, Vernon's Texas Penal Code); and declaring an emergency.

**H.B. 548**, A bill to be entitled An Act relating to the office of county school superintendent in certain counties; amending Section 17.64, Texas Education Code, by adding Subsection (f); and declaring an emergency.

**H.B. 575**, A bill to be entitled An Act relating to tuition for certain children from other states enrolled in public schools; amending Subchapter B, Chapter 21, Texas Education Code, by adding Section 21.0311; and declaring an emergency.

**H.B. 715**, A bill to be entitled An Act relating to procedures for abolishing the office of county school superintendent or ex officio county superintendent and the county school board in certain counties; amending Subsection (a), Section 17.64, Texas

Education Code; and declaring an emergency.

**H.B. 1073**, A bill to be entitled An Act relating to authorizing the State Department of Public Welfare to administer federal matching programs for political subdivisions which provide emergency services for children of needy families, interim assistance to applicants for supplemental income grants, general assistance for the medically disabled, and certain social services; amending The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding Subsection (3) to Section 18-A and by adding Section 19-B; and declaring an emergency.

**H.B. 1079**, A bill to be entitled An Act relating to electronic voting systems; amending Section 80, Texas Election Code, as amended (Article 7.15, Vernon's Texas Election Code); and declaring an emergency.

**H.B. 1202**, A bill to be entitled An Act relating to the definition of peace officer for certain purposes; amending Section 6, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes) by adding Subsection (h); and declaring an emergency.

**H.B. 1203**, A bill to be entitled An Act relating to the establishment of certain reporting requirements by the Commission on Law Enforcement Officer Standards and Education; amending Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), by adding Section 2B; and declaring an emergency.

**H.B. 1205**, A bill to be entitled An Act relating to the revocation of certification of certain peace officers; amending Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), by amending Section 2 and by adding Section 6A; and declaring an emergency.

**H.B. 1311**, A bill to be entitled An Act relating to the registration, disclosure, and enforcement of restrictions on the use of real property; and declaring an emergency.

**H.B. 1327**, A bill to be entitled An Act relating to judgments in small claims courts not claimed by the plaintiff; amending Chapter 309, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 2460a, Vernon's Texas Civil Statutes), by adding Section 10a; and declaring an emergency.

**H.B. 1396**, A bill to be entitled An Act relating to the creation of the County Criminal Court No. 4 of Tarrant County; making other provisions relative to the court; permitting transfer of certain cases from County Criminal Court No. 3 to County Criminal Court No. 4; and declaring an emergency.

**H.B. 1405**, A bill to be entitled An Act relating to the time for election of directors of drainage districts; amending Subsection (d) of Section 56.064, Water Code; and declaring an emergency.

**H.B. 1490**, A bill to be entitled An Act amending Section 4, Chapter 356, Acts of the 52nd Legislature, Regular Session, 1951 (Article 6252-6, Vernon's Texas Civil Statutes), by deleting Subsection (d); and declaring an emergency.

**H.B. 1518**, A bill to be entitled An Act relating to revising the Texas Education Code to allow county and local school districts to supplement state funds for the purposes of contracting with public transportation companies for transportation of

pupils; amending Section 16.63, Texas Education Code; and declaring an emergency.

**H.B. 1547**, A bill to be entitled An Act relating to the issuing of certificates of indebtedness by certain counties for the purpose of building juvenile homes; and declaring an emergency.

**H.B. 1568**, A bill to be entitled An Act relating to proportionate service retirement benefits for members of the Texas County and District Retirement System, the Teacher Retirement System of Texas, the Employees Retirement System of Texas, and the Judicial Retirement System of Texas; amending Chapter 573, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6228i, Vernon's Texas Civil Statutes), by amending Section 1, Subsection (a) of Section 2, Subsection (b) of Section 3, Subsection (a) of Section 4, and Subsection (a) of Section 6; and declaring an emergency.

**H.B. 1651**, A bill to be entitled An Act relating to remedies against a motor vehicle dealer who purports to sell a used vehicle without transferring title; and declaring an emergency.

**H.B. 1687**, A bill to be entitled An Act relating to the procedures for citation of nonresidents for tax purposes; and declaring an emergency.

**H.B. 1793**, A bill to be entitled An Act relating to the placement in this state of children from another state; providing penalties; and declaring an emergency.

**H.B. 1841**, A bill to be entitled An Act relating to sequential education planning for nursing education and credit for educational and clinical experiences; amending Chapter 51, Texas Education Code, by adding Section 51.906; and declaring an emergency.

**H.B. 1854**, A bill to be entitled An Act relating to facilities in which certain persons suspected of being mentally ill may be admitted for emergency observation or treatment; amending Sections 27, 28, 29, and 30, Texas Mental Health Code, as amended (Articles 5547-27, 5547-28, 5547-29, and 5547-30, Vernon's Texas Civil Statutes); and declaring an emergency.

**H.B. 1918**, A bill to be entitled An Act relating to county medical examiners; amending Articles 49.09, 49.11, 49.12, 49.14, 49.18, and Sections 1 and 12, Article 49.25, Code of Criminal Procedure, 1965, as amended; repealing Articles 49.01, 49.02, 49.03, 49.04, 49.06, 49.07, 49.08, 49.10, 49.13, 49.22, and 49.23, Code of Criminal Procedure, 1965; and declaring an emergency.

**H.B. 1947**, A bill to be entitled An Act providing for the election of delegates to the county and senatorial district conventions of certain political parties through election at the general primary election; amending Section 205, Texas Election Code, as amended (Article 13.27, Vernon's Texas Election Code), Section 212, as amended (Article 13.34, Vernon's Texas Election Code), Section 217, as amended (Article 13.39, Vernon's Texas Election Code), Section 224, as amended (Article 13.47, Vernon's Texas Election Code), and repealing Section 213, as amended (Article 13.35, Vernon's Texas Election Code); and declaring an emergency.

**H.B. 2063**, A bill to be entitled An Act relating to increasing the membership of the Natural Fibers and Food Protein Committee; amending Section 2, Chapter 474, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 165-4a, Vernon's Texas Civil Statutes); and declaring an emergency.

**H.B. 2205**, A bill to be entitled An Act relating to the transfer of certain duties of certain boards of county school trustees to the governing boards of school districts and to the payment of the salary and travel expenses of certain county school administrative officers; amending Sections 4, 5, and 7, Chapter 493, Acts of the 60th Legislature, Regular Session, 1967 (Article 2688i-2, Vernon's Texas Civil Statutes); and declaring an emergency.

**H.B. 2206**, A bill to be entitled An Act relating to the membership of the Smith County Juvenile Board; amending Subdivisions (1) and (3), Article 5139E-1, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

**H.B. 2221**, A bill to be entitled An Act relating to the appointment of a person to manage the promotion, development, tourism, and convention activities of cities; adding Section 3a to Chapter 63, Acts of the 62nd Legislature, Regular Session, 1971 (Article 1015j-1, Vernon's Texas Civil Statutes); and declaring an emergency.

**H.B. 2226**, A bill to be entitled An Act changing and fixing the date of the elections for commissioners of Nueces County Drainage District No. 2 (sometimes referred to as Nueces County Drainage and Conservation District Number 2) of Nueces County, Texas; providing for notice of said elections, and related matters; and declaring an emergency.

**H.B. 2229**, A bill to be entitled An Act relating to an open archery season for the taking of certain game in Leon County; amending Section 2A, Chapter 189, Acts of the 56th Legislature, Regular Session, 1959, as amended; and declaring an emergency.

**H.B. 2233**, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Higgins Hospital District of Lipscomb County; and declaring an emergency.

**H.B. 2234**, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Lipscomb Hospital District of Lipscomb County; and declaring an emergency.

**H.B. 2235**, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Follett Hospital District of Lipscomb County; and declaring an emergency.

**H.B. 2244**, A bill to be entitled An Act relating to the creation of the County Court at Law No. 2 of Grayson County; making other provisions relative to the court; providing an effective date; and declaring an emergency.

**H.B. 2246**, A bill to be entitled An Act relating to the taking of deer in a portion of Cherokee County; providing a penalty; repealing Chapter 409, Acts of the 60th Legislature, Regular Session, 1967, as amended; and declaring an emergency.

**H.B. 2249**, A bill to be entitled An Act relating to the creation of the County Court at Law No. 2 of Smith County; making other provisions relative to the court; and declaring an emergency.

**H.B. 2146**, A bill to be entitled An Act relating to the disposition of proceeds accruing to the Texas State Railroad; amending Section 3, Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes); and declaring an emergency.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives.

#### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 30  
S.C.R. 40  
S.C.R. 54  
S.C.R. 56  
S.C.R. 59  
S.C.R. 62  
S.C.R. 63  
S.C.R. 66  
S.C.R. 67  
S.C.R. 82  
S.C.R. 83  
S.C.R. 85  
S.B. 142  
S.B. 309  
S.B. 359

#### CONFERENCE COMMITTEE ON HOUSE BILL 819

Senator Moore called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 819** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 819** before appointment.

Senator Brooks submitted the following Motion in Writing:

Mr. President:

I move the Conference Committee on House Bill 819 be instructed to approve no changes from the Senate version that would be likely to further increase utility rates.

BROOKS  
MOORE

The Motion in Writing was read and was adopted.

Senator Clower moved that the conferees be instructed to include the Clower-Doggett amendment as offered in the Senate.

The motion was lost by the following vote: Yeas 11, Nays 20.

Yeas: Braccklein, Clower, Doggett, Gammage, Harrington, Longoria, Mauzy, Patman, Santiesteban, Schwartz and Williams.

Nays: Adams, Aikin, Andujar, Brooks, Creighton, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Sherman, Snelson and Traeger.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Moore, Clower, Gammage, Brooks and Adams.

#### **CONFERENCE COMMITTEE ON HOUSE BILL 785**

Senator Moore called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 785** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 785** before appointment.

There were no motions offered.

#### **HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committees indicated:

**H.B. 1403**, To Committee on Human Resources.

**H.B. 31**, To Committee on Education.

**H.B. 21**, To Committee on Human Resources.

#### **RECESS**

On motion of Senator Aikin the Senate at 10:55 o'clock a.m. took recess until 1:30 o'clock p.m. today.

#### **AFTER RECESS**

The Senate met at 1:30 o'clock p.m. today and was called to order by the President.

#### **MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 28, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House concurred in Senate amendments to **H.C.R. 152** by a non-record vote.

May 28, 1975, The House has adopted the Conference Committee Report on Senate Bill 306 by a non-record vote.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill 653. House Conferees: Salem, Chairman; Bynum, Harris, Wicting and Hale.

May 28, 1975, The House has adopted the Conference Committee Report on House Bill 1188 by a vote of 114 ayes, 13 noes, 2 present-not voting.

**H.C.R. 155**, Authorizing certain corrections in House Bill 392.

Respectfully submitted,  
**DOROTHY HALLMAN**  
Chief Clerk, House of Representatives

#### **COMMITTEE SUBSTITUTE HOUSE BILL 1126 ON SECOND READING**

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.H.B. 1126**, A bill to be entitled An Act relating to the financing of public school education; making an appropriation; amending Chapter 16, Subsection (j) of Section 11.32, and Subsection (c) of Section 11.33, Texas Education Code, as amended, and adding Sections 21.008, 19.246, 19.247, and 21.913; repealing Article 7100, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **C.S.H.B. 1126** for consideration at this time.

The motion prevailed.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

(Senator Farabee in the Chair)

Senator Snelson offered the following amendment to the bill:

Amend the Committee Substitute for **H.B. 1126** as follows:

(1) On page 20, add the following sentence at the end of Subsection (a) of quoted Section 16.176:

"The commissioner of education with the approval of the State Board of Education shall review the standards established for educationally disadvantaged pupils and adjust the standards if they perpetuate inequities or become obsolete."

(2) On page 21, add the following Subsection (d) at the end of quoted Section 16.176:

"(d) If the total amount of compensatory education aid required by this section exceeds \$25,400,000 per year, each district's allotment shall be reduced proportionately until the amount of aid allocated equals \$25,400,000 per year."

The amendment was read.

Senator Ogg offered the following amendment to the amendment:

Amend Section 1 of **C.S.H.B. 1126** by adding Subsection (d) to Subchapter E of Chapter 16, Section 16.176 of the Texas Education Code, to read as follows:

"(d) Each school district operating a bilingual education program at the Kindergarten level shall receive an allotment of \$25.00 per pupil enrolled in the program."

The amendment to the amendment was read.

On motion of Senator Ogg and by unanimous consent, the amendment to the amendment was withdrawn.

(President in the Chair)

The amendment by Senator Snelson was then adopted.

Senator Santiesteban offered the following amendment to the bill:

Amend the Committee Substitute for **H.B. 1126** by striking lines 4-11 on page 21 and substituting the following:

"Sec. 16.177 DRIVER EDUCATION. (a) The Central Education Agency shall develop a program of organized instruction in driver education and traffic safety for public school students who are 15 years of age or older.

"(b) With the approval of the State Board of Education, the commissioner of education shall establish standards for the certification of professional and paraprofessional personnel who conduct the programs in the public schools.

"(c) Beginning with the 1975-1976 school year, a school district is eligible to receive annually funds to finance a driver education program in an amount not to exceed \$25 multiplied by 20 percent of its high school enrollment in grades 10-12, but in no instance shall the allotment made to the district exceed \$25 multiplied by the number of students actually enrolled in driver education during the school year for which the funds were provided."

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend the Committee Substitute for **H.B. 1126** by striking therefrom Section 16.202 (b) (3) where it appears on page 22, line 2 of the bill and substituting in lieu thereof the following:

"(3) employ school bus drivers certified in accordance with standards and qualifications promulgated jointly by the Central Education Agency and the Texas Department of Public Safety as required by law; and".

The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend the Committee Substitute to **H.B. 1126** by inserting the following language on page 29, line 24, immediately before the period:

"and may reduce the local share of a district in which local natural or economic disaster has dramatically reduced the value of the property since 1974."



The amendment was read and was adopted.

Senator Snelson offered the following amendment to the bill:

Amend the printed Committee Substitute for **H.B. 1126** as follows:

(1) On page 2, line 3, strike the word "school" and substitute the word "scholastic".

(2) On page 3a at the bottom of the salary schedule add the language, "For the 1975-76 school year each individual shall be placed in the salary step immediately above the one occupied during the 1974-75 school year and shall advance one step for each year of experience thereafter until the maximum is reached."

(3) On page 36, line 4, insert the words "and preparation" after the word "education".

(4) On page 36, line 18, insert the word "enrolled" after the word "student".

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.H.B. 1126**, on page 5, line 7 by striking in the pay grade column the number "8" and substituting the number "10" and by striking the Required Preparation and Education description for Visiting Teacher II and substituting the following:

"Fully certified as a visiting teacher, holder of a master's degree and certified."

The amendment was read.

Senator Mauzy moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Adams, Aikin, Andujar, Creighton, Hance, Harrington, Harris, Jones, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Kothmann, Patman and Williams.

Senator Hance offered the following amendment to the bill:

Amend the Committee Substitute for House Bill 1126, Section 16.052 to read as follows:

"The Foundation School Program shall guarantee to each child of school age in Texas the availability of a Minimum Foundation Program for a term of 174 days and not to exceed 10 days of in-service education for teachers."

The amendment was read.

Senator Mauzy moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Patman, Santiesteban, Schwartz, Sherman, Snelson and

Williams.

Nays: Braecklein, Hance, Mengden, Moore, Ogg and Traeger.

Senator Hance offered the following amendment to the bill:

Amend the Committee Substitute for **H.B. 1126**, Section 16.055 to read as follows:

"(b) Salaries shall be paid on the basis of a minimum of 10 months' service, which must include ~~180~~ 174 school days plus not more than 10 days of inservice training and preparation."

The amendment was read.

On motion of Senator Hance and by unanimous consent, the amendment was withdrawn.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.H.B. 1126**, page one, line 30 by adding the following paragraph:  
"Notwithstanding other provisions of this Code, beginning with the scholastic years 1975-1976, any child between the ages of 3 and 21 years, inclusive, as of September 1, who is not a high school graduate and who is enrolled in special education classes of a school district at a facility of the Texas Department of Mental Health and Mental Retardation shall be entitled to the benefits of the Foundation School Program for the ensuing school year. No local fund assignment shall be charged to any independent school district at a facility of the Texas Department of Mental Health and Mental Retardation."

The amendment was read.

Senator Mauzy moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 17, Nays 14.

Yeas: Aikin, Andujar, Creighton, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Schwartz, Sherman, Snelson and Traeger.

Nays: Adams, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, McKnight, Patman, Santiesteban and Williams.

Senator Snelson offered the following amendment to the bill:

Amend the Committee Substitute for **H.B. 1126** by adding to Section 1 of the bill on page 29, line 16, a new sentence at the end of Subsection (a) of Section 16.252 to read as follows:

"Provided that for the 1975-1976 school year, the local fund assignment of any school district shall not exceed 100% of the maintenance tax revenue collected in that district in 1974-1975; and provided further that for the 1976-1977 school year, the local fund assignment of any school district shall not exceed 150% of the maintenance tax revenue collected in that district in 1975-1976."

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend Committee Substitute for **H.B. 1126**, Subchapter C, Sec. 16.101 by striking the last sentence of said section and substituting in lieu thereof the following:

"For the 1975-1976 and 1976-1977 school year, no school district shall receive fewer professional units for its regular educational program than it received for the 1974-1975 school year."

The amendment was read.

On motion of Senator Mauzy the amendment was tabled.

#### RECORD OF VOTES

Senators Sherman and Jones asked to be recorded as voting "Nay" on the motion to table the amendment.

Senator Ogg offered the following amendment to the bill:

Amend Committee Substitute to **H.B. 1126** by adding the following section as a new section following Section 4 of the printed substitute and renumbering the present Section 5 and succeeding sections accordingly:

Section 5. Subsection (b), Section 21.453, Texas Education Code, is amended to read as follows:

"(b) Each ~~[Beginning with the 1974-1975 scholastic year, each]~~ school district which has an enrollment of 20 or more children of limited English-speaking ability in any language classification in the same grade level during the preceding scholastic year, and which does not have a program of bilingual instruction which accomplishes the state policy set out in Section 21.451 of this article ~~[Aet]~~ shall institute a program of bilingual instruction for the children in each language classification ~~[commencing]~~ in kindergarten, ~~[the]~~ first grade, and second grade by the 1975-76 school year and also in the third grade by the 1976-77 school year ~~[and shall increase the program by one grade each year until bilingual instruction is offered in each grade up to the sixth]. Bilingual instruction may be offered beyond the third grade if the instruction is necessary for a student to participate in the regular school curriculum. The board may establish a program with respect to a language classification with less than 20 children."~~

The amendment was read.

Senator Mauzy moved to table the amendment.

(Senator Meier in the Chair)

The motion to table was lost by the following vote: Yeas 11, Nays 19.

Yeas: Adams, Aikin, Andujar, Creighton, Harris, Jones, Mauzy, Meier, Mengden, Sherman and Snelson.

Nays: Braecklein, Brooks, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Moore, Ogg, Patman, Santiestehan, Schwartz, Traeger and Williams.

Absent: Clower.

Question recurring on the adoption of the amendment, the amendment was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Moore, Ogg, Patman, Santiesteban, Traeger and Williams.

Nays: Adams, Aikin, Andujar, Creighton, Harris, Jones, Mauzy, Meier, Mengden, Schwartz, Sherman and Snelson.

Senator Clower offered the following amendment to the bill:

Amend C.S.H.B. 1126, Subchapter C, Sec. 16.102(c) (1) by striking (c) (1) in its entirety and substituting therefor new Subsections (c) (1) and (2) and renumbering the subsequent subsections accordingly, to read as follows:

"(1) One personnel unit for each 15 students in average daily attendance in Kindergarten;

"(2) One personnel unit for each 19 students in average daily attendance in grades 1 through 3;"

The amendment was read.

Senator Mauzy moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Traeger.

Nays: Clower, Doggett and Williams.

Senator Hance offered the following amendment to the bill:

Amending Section 16.103, Committee Substitute for H.B. 1126 by adding language to Subsection (e), as follows:

"(e) Each school district having a four-year accredited high school shall be eligible, under rules and regulations approved by the State Board of Education, for such specialized vocational administrative units, specialized vocational supervisor units and vocational counselor units as there is a need, and in the number determined by application of formulas adopted by the State Board of Education and subject to approval by the commissioner of education."

The amendment was read.

Senator Mauzy moved to table the amendment.

(President in the Chair)

The motion to table prevailed by the following vote: Yeas 15, Nays 15.

Yeas: Aikin, Braecklein, Brooks, Doggett, Jones, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Santiesteban, Schwartz, Snelson and Williams.

Nays: Adams, Andujar, Clower, Creighton, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, McKinnon, McKnight, Patman, Sherman and Traeger.

Absent: Moore.

The President announced that he would vote "Yea".

(Senator Meier in Chair)

Senator Clower offered the following amendment to the bill:

Amend C.S.H.B. 1126, Sec. 16.254(D), page 16, line 52, by striking "for the 1975-1976 and 1976-1977 school years" to read as follows:

"Notwithstanding the provision of Subsection (b) of this section, no school district shall receive less state aid per student in average daily attendance than 104 percent of the amount it received per student in average daily attendance under the Foundation School Program for the 1974-1975 school year."

The amendment was read.

On motion of Senator Mauzy the amendment was tabled.

Senator Clower offered the following amendment to the bill:

Amend C.S.H.B. 1126 by striking Sections 10 and 11 and adding new Sections 10, 11, 12, 13, 14, and 15.

Sec. 10. Article 24.01, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 24.01. ENFORCEMENT AND ADMINISTRATION OF FUNDS; ALLOCATION. All revenues collected from the taxes imposed by the Chapters of Title 122A, after deduction of the portion allocated for collection, enforcement, and administration purposes by various Chapters of such Title, shall be allocated as follows:

<b>"Chapter or Article of this Title Levying the Tax</b>	<b>Portion Allocated to the Available School Fund</b>	<b>Portion Allocated to the Omnibus Tax Clearance Fund (Established by Acts 1941, 47th Leg., Ch. 184, as amended)</b>	<b>Portion Allocated to the General Revenue Fund</b>
<del>[(Chapter 17)]</del> <del>[(Store and Exempt Store Tax)]</del>	<del>[1/4]</del> [3/4]		
Chapter 18 (Cement Production Tax)	1/4	3/4	

Chapter 19  
(Misc. Occupation  
Taxes Including Oil  
Well Servicing) 1/4 3/4

Chapter 20  
(Misc. Excise  
Taxes) All

Chapter 21  
(Admissions Tax) 1/4 3/4

~~Chapter 22~~ ~~1/4~~ ~~3/4~~  
~~[(Severance-Beneficiary  
Tax)]~~

Chapter 23  
(Hotel Occupancy  
Tax) All

“Chapter or Article of this Title Levying the Tax	Portion Allocated to the Available School Fund	Portion Allocated to the Omnibus Tax Clearance Fund (Established by Acts 1941, 47th Leg., Ch. 184, as amended)	Portion Allocated to the General Revenue Fund
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~~Chapter 2~~ ~~2/3~~ ~~1/3~~  
~~[(Poll Tax)]~~

Chapter 3  
(Natural Gas Tax) 1/4 3/4

Chapter 4  
(Oil Production Tax) 1/4 3/4

Chapter 5  
(Sulphur Tax) 1/4 3/4

Chapter 6  
(Motor Vehicle Sales  
and Use Tax) ~~1/4~~ 3/4 1/4

Chapter 7  
(Cigarette Tax  
Article 7.02) ~~18.75%~~ All ~~81.25%~~

(Cigarette Tax) All

## Article 7.06)

Chapter 8 All  
(Tobacco Products  
Tax)

Chapter 9 Allocated as provided in Article 9.25.  
Motor Fuel (Gasoline) Chapter 9, of this Act.

Chapter 10 Allocated as provided in Article 10.22,  
(Special Fuels Tax) Chapter 10, of this Act.

Chapter 11 1/4 3/4  
(Miscellaneous Gross  
Receipts Taxes)

Chapter 12 All  
(Franchise Tax)

Chapter 13 1/4 3/4  
(Coin-Operated  
Machines Tax)

Chapter 14 All  
(Inheritance Tax)

Chapter 15 All  
(Additional Inherit-  
ance Tax)

~~[Chapter 16] 1/4 3/4~~  
~~[(Stock Transfer Tax)]~~

Sec. 11. Article I, Section 46, Texas Liquor Control Act, as amended (Article 666-46, Vernon's Texas Penal Code), is amended to read as follows:

"Section 46. DISPOSITION OF RECEIPTS. After allocation of funds to defray administrative expenses as provided in the current Departmental Appropriation Act, receipts from the sale of distilled spirits, wine, and malt liquor tax stamps shall be deposited in the State Treasury as follows: One-fourth (1/4) to the credit of the General Revenue ~~[Available School]~~ Fund, and three-fourths (3/4) to the credit of the Clearance Fund. All revenues derived from the collection of permit fees provided for under Article I shall be deposited to the credit of the Clearance Fund.

"The 'Clearance Fund' as referred to herein is the fund created by the provisions of Section 2, Article XX, H.B. 8, Chapter 184, Acts of the Regular Session of the 47th Legislature, and funds allocated to such Clearance Fund shall be used for the purposes expressed in that Act."

Sec. 12. Article II, Section 23 1/2, Texas Liquor Control Act, as amended (Article 667-23 1/2, Vernon's Texas Penal Code), is amended to read as follows:

"Sec. 23 1/2. FUNDS DERIVED FROM TAXES ON BEER; DISPOSITION. After allocation of funds to defray administrative expenses as provided in the current Departmental Appropriation Act, all funds derived from taxes on beer shall be deposited in the State Treasury as follows:

"(a) One-fourth (1/4) to the General Revenue ~~[Available School]~~ Fund.

"(b) Three-fourths (3/4) to the Clearance Fund as provided in Section 2, Article XX of H.B. 8, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, for the purposes designated by such Act."

Sec. 13. Chapter 2, Title 122, Revised Civil Statutes of Texas, 1925, is amended by adding Article 7064b to read as follows:

"Article 7064b. ALLOCATION OF FUNDS. One-fourth of all gross receipts taxes on insurance companies collected under the provisions of Articles 7064 and 7064a, Revised Civil Statutes of Texas, 1925, as amended, after deduction of that portion provided for enforcement, if any, shall be allocated to the General Revenue Fund, and the balance shall be allocated to the Omnibus Tax Clearance Fund."

Sec. 14. The provisions of this Act shall be effective for the 1975-1976 school year and subsequent years.

Sec. 15. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Mauzy the amendment was tabled.

Senator Hance offered the following amendment to the bill:

Amend Section 16.252, Subsection (a) by adding the following sentence after the word "thereafter.", on line 12 of page 16 of **C.S.H.B. 1126**:

"Notwithstanding the above provision a school district's share of the program cost shall not exceed 50 percent of the amount of its previous year."

The amendment was read.

(President in the Chair)

Senator Mauzy moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 18, Nays 12.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Gammage, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Santicsteban, Schwartz, Snelson and Williams.

Nays: Clower, Creighton, Farabee, Hance, Harris, McKinnon, McKnight, Mengden, Moore, Patman, Sherman and Traeger.

Absent: Ogg.

Senator Hance offered the following amendment to the bill:

Amend Section 16.252, Subsection (a) by adding the following sentence after the word "thereafter.", on line 12 of page 16 of **C.S.H.B. 1126**:

"Notwithstanding the above provision a school district's share of the program cost shall not exceed 100 percent of the amount of its previous year."

The amendment was read.

On motion of Senator Hance and by unanimous consent, the amendment was withdrawn.



The bill as amended was passed to third reading.

#### RECORD OF VOTES

Senators Harris, McKnight, Farabee, Creighton, Sherman and Moore asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 1126 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1126 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Harris, McKnight, Mengden and Moore.

Absent: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Farabee, Sherman, McKnight, Moore, Creighton and Harris asked to be recorded as voting "Nay" on the final passage of the bill.

#### HOUSE CONCURRENT RESOLUTION 155 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 155, Authorizing Enrolling and Engrossing Clerk to make certain corrections in H.B. 392.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted.

#### CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL 785

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Moore, Brooks, Doggett, Snelson and Creighton. (The request of the House for a Conference Committee having been granted with no instructions offered today.)

**SENATE RULE 103 SUSPENDED**

On motion of Senator Mauzy and by unanimous consent, Senate Rule 103 was suspended in order that the Education Committee might consider **H.B. 31**.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Sherman and by unanimous consent, Senate Rule 103 was suspended in order that the Natural Resources Committee might consider **H.B. 516**.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Patman and by unanimous consent, Senate Rule 103 was suspended in order that the Intergovernmental Relations Committee might consider **H.B. 548**.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Patman and by unanimous consent, Senate Rule 103 was suspended in order that the Natural Resources Committee might consider **H.B. 1405**.

**HOUSE BILLS POSTPONED**

On motion of Senator Jones and by unanimous consent, consideration of the remaining House Bills on the House Calendar was postponed until 4:10 o'clock p.m. today.

**SENATE BILL 1094 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1094**, A bill to be entitled An Act amending the Parks and Wildlife Code to incorporate legislation enacted by the 64th Legislature, Regular Session, 1975; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTES**

Senators Meier, Adams, Aikin, Kothmann and McKinnon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 1094 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1094** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Lombardino,

Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Kothmann.

Absent: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Aikin and McKinnon asked to be recorded as voting "Nay" on the final passage of the bill.

#### MOTION TO PLACE HOUSE BILL 188 ON THIRD READING

Senator McKnight asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**H.B. 188**, A bill to be entitled An Act relating to the appointment of heads of fire and police departments in cities with firemen's and policemen's civil service commissions; amending Subdivision (6), Subsection D, Section 14, Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator McKnight then moved to suspend the regular order of business and take up **H.B. 188** for consideration at this time.

The motion was lost by the following vote: Yeas 13, Nays 17.

Yeas: Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones, McKinnon, McKnight, Moore, Sherman, Snelson and Traeger.

Nays: Adams, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Patman, Santiesteban, Schwartz and Williams.

Absent: Ogg.

#### SENATE RULE 103 SUSPENDED

Senator Andujar asked unanimous consent to suspend Senate Rule 103 in order that House Bill 1079 might be considered in the State Affairs Committee tomorrow.

There was objection.

Senator Andujar moved that Senate Rule 103 be suspended in order that House Bill 1079 might be considered in the State Affairs Committee tomorrow.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy and Patman.

Absent: Ogg.

#### NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

#### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

<b>H.C.R. 151</b>	<b>S.B. 423</b>	<b>S.B. 755</b>
<b>H.B. 275</b>	<b>S.B. 485</b>	<b>S.B. 828</b>
<b>H.B. 365</b>	<b>S.B. 511</b>	<b>S.B. 881</b>
<b>H.B. 392</b>	<b>S.B. 519</b>	<b>S.B. 937</b>
<b>H.B. 688</b>	<b>S.B. 563</b>	<b>S.B. 938</b>
<b>H.B. 1023</b>	<b>S.B. 564</b>	<b>S.B. 1027</b>
<b>H.B. 1379</b>	<b>S.B. 566</b>	<b>S.B. 1052</b>
<b>H.B. 1538</b>	<b>S.B. 568</b>	<b>S.B. 1074</b>
<b>H.B. 1892</b>	<b>S.B. 601</b>	<b>S.B. 1083</b>
<b>H.B. 1953</b>	<b>S.B. 602</b>	<b>S.B. 1086</b>
<b>H.C.R. 152</b>	<b>S.B. 658</b>	<b>S.B. 1092</b>
	<b>S.B. 711</b>	<b>S.B. 1114</b>

#### SENATE BILL AND RESOLUTIONS ON FIRST READING

By unanimous consent the following bill and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Mengden (by request):

**S.B. 1126**, A bill to be entitled An Act creating a Prosecuting Attorneys Council; providing for membership, duties, and powers; providing for the censure and removal of prosecuting attorneys for misconduct; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.R. 651**, Requesting Subcommittee on Public Health and Welfare of Committee on Human Resources to study health education in public school system of Texas.

To Committee on Administration.

By Senator Schwartz:

**S.R. 656**, Requesting Senate Jurisprudence Committee to make a comprehensive review and assessment of all aspects of disaster prevention, mitigation, emergency operations and recovery and report to Legislature by January 1, 1977.

To Committee on Administration.

By Senator Schwartz:

**S.R. 657**, Requesting Public Safety Commission with assistance of Senate Finance Committee to review powers, duties, and responsibilities of Department of Public Safety and report to Senate not later than January 31, 1977.

To Committee on Administration.

#### HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committees indicated:

**H.B. 2146**, To Committee on Finance.  
**H.B. 2205**, To Committee on Intergovernmental Relations.  
**H.B. 2206**, To Committee on Intergovernmental Relations.  
**H.B. 2226**, To Committee on Natural Resources.  
**H.B. 1947**, To Committee on State Affairs.  
**H.B. 1311**, To Committee on Intergovernmental Relations.  
**H.B. 2235**, To Committee on Intergovernmental Relations.  
**H.B. 1854**, To Committee on Human Resources.  
**H.B. 2234**, To Committee on Intergovernmental Relations.  
**H.B. 2233**, To Committee on Intergovernmental Relations.  
**H.B. 2249**, To Committee on Intergovernmental Relations.  
**H.B. 2244**, To Committee on Intergovernmental Relations.  
**H.B. 1547**, To Committee on Intergovernmental Relations.  
**H.B. 1490**, To Committee on Human Resources.  
**H.B. 189**, To Committee on Jurisprudence.  
**H.B. 1841**, To Committee on Education.  
**H.B. 1079**, To Committee on State Affairs.  
**H.B. 1327**, To Committee on Jurisprudence.  
**H.B. 1405**, To Committee on Natural Resources.  
**H.B. 505**, To Committee on Jurisprudence.  
**H.B. 548**, To Committee on Intergovernmental Relations.  
**H.B. 575**, To Committee on Education.  
**H.B. 715**, To Committee on Intergovernmental Relations.  
**H.B. 1518**, To Committee on Education.  
**H.B. 1396**, To Committee on Intergovernmental Relations.  
**H.B. 516**, To Committee on Natural Resources.  
**H.B. 1793**, To Committee on Human Resources.  
**H.B. 2229**, To Committee on Natural Resources.  
**H.B. 1687**, To Committee on Jurisprudence.  
**H.B. 1568**, To Committee on State Affairs.  
**H.B. 468**, To Committee on State Affairs.  
**H.B. 1203**, To Committee on Jurisprudence.  
**H.B. 1202**, To Committee on Jurisprudence.  
**H.B. 1205**, To Committee on Jurisprudence.  
**H.B. 2221**, To Committee on Intergovernmental Relations.  
**H.B. 1073**, To Committee on Human Resources.  
**H.B. 1918**, To Committee on Jurisprudence.  
**H.B. 2063**, To Committee on Natural Resources.  
**H.B. 1651**, To Committee on Jurisprudence.  
**H.B. 2246**, To Committee on Natural Resources.

**NOTICES OF INTENT**

The following Notices of Intent were filed with the Secretary of the Senate:

Thursday, May 29, 1975

H.B. 4 - Senator Meier  
H.B. 42 - Senator Mauzy (Third reading)  
H.B. 50 - Senator Ogg  
H.B. 82 - Senator Mauzy (Third reading)  
H.B. 109 - Senator Mauzy  
H.B. 201 - Senator Adams  
H.B. 247 - Senator Brooks  
H.B. 272 - Senator Sherman  
H.B. 313 - Senator Gammage  
H.B. 413 - Senator Kothmann  
C.S.H.B. 431 - Senator Brooks  
H.B. 491 - Senator Mauzy  
H.B. 519 - Senator Mauzy  
H.B. 570 - Senator Doggett  
H.B. 652 - Senator Braecklein  
H.B. 769 - Senator Patman  
H.B. 820 - Senator Meier  
C.S.H.B. 836 - Senator Ogg (Third reading)  
H.B. 960 - Senator Ogg  
C.S.H.B. 1130 - Senator Schwartz  
H.B. 1142 - Senator Harris  
H.B. 1313 - Senator Hance  
H.B. 1367 - Senator Farabee  
C.S.H.B. 1484 - Senator Schwartz  
H.B. 1570 - Senator Ogg  
H.B. 1575 - Senator Ogg  
H.B. 1640 - Senator Snelson  
H.B. 1667 - Senator Jones  
C.S.H.B. 1694 - Senator Jones  
H.B. 1778 - Senator Mengden  
H.B. 1779 - Senator Mengden  
H.B. 2003 - Senator Brooks  
H.B. 2021 - Senator Hance  
H.B. 2136 - Senator Snelson  
C.S.H.B. 2175 - Senator Moore  
H.B. 2186 - Senator Patman  
H.B. 2220 - Senator Meier  
H.B. 2223 - Senator Patman  
S.B. 108 - Senator Schwartz  
C.S.S.B. 116 - Senator Mengden  
C.S.S.B. 117 - Senator Mengden  
S.B. 196 - Senator Santiesteban (Third reading)  
S.B. 272 - Senator Doggett  
S.B. 317 - Senator Mengden  
S.B. 418 - Senator Ogg (Third reading)  
S.B. 430 - Senator Mengden  
C.S.S.B. 448 - Senator Mauzy  
C.S.S.B. 449 - Senator Mauzy  
C.S.S.B. 526 - Senator Harrington

S.B. 607 - Senator McKinnon  
S.B. 725 - Senator Patman  
S.B. 779 - Senator Mengden  
C.S.S.B. 781 - Senator Mengden  
S.B. 847 - Senator Hance  
S.B. 879 - Senator Patman  
C.S.S.B. 884 - Senator Hance  
S.B. 919 - Senator Ogg  
S.B. 973 - Senator Santiesteban  
S.B. 974 - Senator Santiesteban  
S.B. 976 - Senator Santiesteban  
S.B. 987 - Senator Ogg  
S.B. 1050 - Senator Patman  
C.S.S.B. 1108 - Senator Hance

#### MEMORIAL RESOLUTIONS

S.R. 633 - By Senator Adams: Memorial resolution for James P. Brookshire.  
S.R. 634 - By Senator Adams: Memorial resolution for M. H. Eades.  
S.R. 638 - By Senator Snelson: Memorial resolution for Sgt. Gerald W. Fritz.  
S.R. 639 - By Senator Snelson: Memorial resolution for C. R. Mallison.  
S.R. 640 - By Senator Snelson: Memorial resolution for Mrs. Stella Cauthron Altizer.  
S.R. 654 - By Senator Schwartz: Memorial resolution for Label A. Katz.

#### WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 93 - By Senator Doggett: Extending congratulations to the State Bar of Texas.  
S.C.R. 94 - By Senator Mauzy: Expressing appreciation to the Texas Education Agency.  
S.R. 637 - By Senator Snelson: Extending congratulations to Ken Esmond.  
S.R. 641 - By Senator Clower: Extending welcome to Dr. John S. Smale.  
S.R. 642 - By Senator Clower: Extending congratulations to Miss Rhoda I'Della Kiffinan.  
S.R. 643 - By Senator Clower: Extending welcome to Price Dixon.  
S.R. 644 - By Senator Clower: Extending welcome to Ivan D. Goodwin.  
S.R. 645 - By Senator Clower: Extending welcome to Gwinn Blankenship.  
S.R. 646 - By Senator Clower: Extending welcome to Dr. Ralph Poteet.  
S.R. 647 - By Senator Clower: Extending welcome to George Scott.

S.R. 648 - By Senator Clower: Extending welcome to James Worsham.

S.R. 649 - By Senator Clower: Extending welcome to A. G. Godley, Jr.

S.R. 650 - By Senator Clower: Extending welcome to Eli Douglas.

S.R. 652 - By Senator Schwartz: Extending welcome to the Lovenberg Middle School Choir.

S.R. 653 - By Senator Schwartz: Extending welcome to Jack Graber.

S.R. 655 - By Senator Schwartz: Extending congratulations to Ball High School Symphonic Band.

### RECESS

On motion of Senator Aikin the Senate at 4:20 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

### APPENDIX

#### Sent to Governor

(May 28, 1975)

S.C.R. 30	S.C.R. 63
S.C.R. 40	S.C.R. 66
S.C.R. 54	S.C.R. 67
S.C.R. 56	S.C.R. 82
S.C.R. 59	S.C.R. 83
S.C.R. 62	S.C.R. 85
S.B. 142	S.B. 658
S.B. 309	S.B. 711
S.B. 359	S.B. 755
S.B. 423	S.B. 828
S.B. 485	S.B. 881
S.B. 511	S.B. 937
S.B. 519	S.B. 938
S.B. 563	S.B. 1027
S.B. 564	S.B. 1052
S.B. 566	S.B. 1074
S.B. 568	S.B. 1083
S.B. 601	S.B. 1086
S.B. 602	S.B. 1092
S.B. 1114	

EIGHTY-THIRD DAY  
(Continued)



(Thursday, May 29, 1975)

**AFTER RECESS**

The Senate met at 8:30 o'clock a.m., and was called to order by Senator Adams.

**INTERGOVERNMENTAL RELATIONS COMMITTEE  
GRANTED PERMISSION TO MEET**

On motion of Senator Snelson and by unanimous consent, the Committee on Intergovernmental Relations was granted permission to meet while the Senate was in session.

**ECONOMIC DEVELOPMENT COMMITTEE  
GRANTED PERMISSION TO MEET**

On motion of Senator Creighton and by unanimous consent, the Committee on Economic Development was granted permission to meet while the Senate was in session.

**LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Adams in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 170**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

**S.B. 932** (Santiesteban)(30-1) Meier "Nay" (30-1) Meier "Nay"

**S.B. 934** (Santiesteban)(31-0)(31-0)

**S.B. 1080** (Andujar)(30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

**S.B. 1124** (McKinnon)(31-0)(31-0)

**S.C.R. 39** (Lombardino)(vv)

**S.C.R. 87** (Braecklein)(vv)

**S.C.R. 88** (Longoria)(vv) Mauzy "Nay"

**S.C.R. 89** (Hance)(vv)

**H.B. 1440** (McKnight)(30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

**H.B. 1618** (Adams)(31-0)(31-0)

**H.B. 2198** (Aikin)(31-0)(31-0)

**H.B. 1699** (Aikin)(31-0)(31-0)

**H.B. 1494** (Aikin)(31-0)(31-0)

**H.B. 2055** (Aikin)(31-0)(31-0)

**H.B. 881** (Aikin)(31-0)(31-0)

**H.B. 651** (Braecklein)(31-0)(31-0)

**H.B. 1325** (Braecklein)(31-0)(31-0)

**H.B. 1244** (Braecklein)(31-0)(31-0)

**H.B. 915** (Clower)(31-0)(31-0)

**H.B. 342** (Clower)(31-0)(31-0)

**H.B. 1103** (Creighton)(31-0)(31-0)

**H.B. 1938** (Doggett)(31-0)(31-0)

**H.B. 2020** (Farabee)(31-0)(31-0)

**H.B. 1455** (Gammage)(31-0)(31-0)

**H.B. 2044** (Hance)(31-0)(31-0)

**H.B. 1157** (Harrington)(31-0)(31-0)

**H.B. 1580** (Harrington)(31-0)(31-0)

**H.B. 1039** (Harrington)(31-0)(31-0)

**H.B. 426** (Jones)(31-0)(31-0)

**H.B. 1238** (Jones)(31-0)(31-0)

**H.B. 427** (Jones)(31-0)(31-0)

**H.B. 428** (Jones)(31-0)(31-0)

**H.B. 793** (Lombardino)(28-3) Jones, Sherman, Meier "Nay" (28-3) Jones, Sherman, Meier "Nay"

**H.B. 1350** (Longoria)(31-0)(31-0)

**H.B. 930** (Mauzy)(31-0)(31-0)

**H.B. 1984** (Mauzy)(31-0)(31-0)

**H.B. 2220** (Meier)(31-0)(31-0)

**H.B. 10** (Santiesteban)(31-0)(31-0)

**H.B. 1640** (Snelson)(31-0)(31-0)

H.B. 2217 (Snelson)(31-0)(31-0)  
H.B. 1575 (Ogg)(31-0)(31-0)  
H.B. 2223 (Patman)(31-0)(31-0)  
H.B. 769 (Patman)(31-0)(31-0)  
H.B. 2186 (Patman)(31-0)(31-0)  
H.B. 9 (Santiesteban)(31-0)(31-0)  
H.B. 486 (Gammage)(31-0)(31-0)  
H.B. 1705 (Meier)(31-0)(31-0)  
H.B. 2169 (Doggett)(31-0)(31-0)  
H.B. 2232 (Jones)(31-0)(31-0)  
H.B. 1483 (Schwartz)(31-0)(31-0)  
H.B. 1270 (Gammage)(31-0)(31-0)  
H.B. 1324 (Jones)(31-0)(31-0)  
H.B. 974 (Harrington)(30-1) Jones "Nay" (30-1) Jones "Nay"  
H.B. 1509 (Doggett)(31-0)(31-0)  
H.B. 1119 (Schwartz)(31-0)(31-0)  
H.B. 2031 (McKinnon)(31-0)(31-0)  
H.B. 1096 (Harrington)(31-0)(31-0)  
H.B. 2208 (Adams)(31-0)(31-0)  
H.B. 2027 (Sherman)(31-0)(31-0)  
H.C.R. 102 (Sherman)(vv) Mauzy "Nay"  
H.C.R. 126 (Patman)(vv)  
H.C.R. 142 (Patman)(vv) Mauzy "Nay"  
H.C.R. 150 (Doggett)(vv)  
H.C.R. 116 (Harrington)(vv)  
H.C.R. 111 (Farabee)(vv) Mauzy "Nay"  
H.C.R. 118 (Harrington)(vv) Mauzy "Nay" Schwartz "Present-Not Voting"

**H.C.R. 136** (Meier)(vv)

**H.C.R. 146** (Gammage)(vv)

**H.C.R. 144** (Adams)(vv)

**H.C.R. 149** (Doggett)(vv)

**H.C.R. 113** (Creighton)(vv) Mauzy "Nay"

**H.C.R. 107** (Harris)(vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

**H.B. 306** (Andujar)-

Senator Andujar offered the following Committee Amendment to the bill:

Amend Section 1 of **H.B. 306** by deleting the words "The governing body of" at the beginning of Subsection (c) and capitalize the letter "a" in the word "an".

The Committee Amendment was read and was adopted.

Senator Andujar offered the following Committee Amendment to the bill:

Amend Section 1 of **H.B. 306** by adding, after the words "Section 167" in Line 8 of Page 2, the following:  
"or Section 169B."

The Committee Amendment was read and was adopted.

On motion of Senator Andujar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**H.B. 261** (Mengden)-

Senator Mengden offered the following Committee Amendment to the bill:

Amend **H.B. 261** as passed by the House by striking Section (b) of Section 1 in its entirety and substituting the following:

"(b) No person may possess, use, or place more than three (3) crab traps, crab pots, or other similar devices used for the catching of crabs on or in the water described in Subsection (a) of this section. This prohibition does not include crab lines, hooks or lines, or trotlines normally employed for the catching of crabs."

The Committee Amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0).

**H.B. 721** (McKnight)-

Senator Adams offered the following amendment to the bill:

Amend **H.B. 721** by striking the figure 1976 in Section 2, Subsection (b), and substituting in lieu thereof the figure "1979".

The amendment was read and was adopted.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**H.B. 1570(Ogg)--**

Senator Ogg offered the following Committee Amendment to the bill:

Amend **H.B. 1570** by renumbering Section 2 as Section 3 and inserting a new Section 2 to read as follows:

"Sec. 2. Chapter 360, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 8280-120, Vernon's Texas Civil Statutes), is amended by adding Section 3A to read as follows:

"Section 3A. Projects proposed to be constructed by the Harris County Flood Control District, other than levees and structures related to levees, shall be under the control of the Commissioners Court acting as the governing board for the District. The findings of the Commissioners Court as to the plan of work, the necessity, the location, and the type of improvement of a project covered by this section shall be final and not subject to review."

The Committee Amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**H.B. 1667(Jones)--**

Senator Jones offered the following Committee Amendment to the bill:

Amend **H.B. 1667** by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Subsection (b), Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) Benefit Amount for Total Unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter in his base period in which wages were highest, provided that:

"(1) If such rate is not an even multiple of One Dollar (\$1), it shall be adjusted to the next higher multiple of One Dollar (\$1); and

"(2) Such rate shall not be more than Seventy Dollars (\$70) ~~Sixty-three Dollars (\$63)~~ per benefit period nor less than Fifteen Dollars (\$15) per benefit period."

Sec. 2. Subsection (b), Section 6, Texas Unemployment Compensation Act, as amended (Article 5221b-4, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) An unemployed individual who has no current benefit year may file an initial claim in accordance with rules or regulations prescribed by the Commission. The Commission shall mail a notice of the filing of such initial claim to the individual

or organization for which the claimant last worked prior to the effective date of the initial claim. If the individual or organization has more than one branch or division operating at different locations, notice of the filing of such initial claim shall be mailed to the branch or division where claimant last worked. Mailing of notice of the initial claim to the correct address of the individual or organization or the branch or division where claimant last worked shall constitute due notice to such individual or organization. If the individual or organization to which such notice is mailed has knowledge of any facts that may adversely affect such claimant's right to benefits, or that may affect a charge to its account, it shall notify the Commission of such facts promptly. If such individual or organization does not mail or deliver such notification to the Commission within fifteen (15) ~~ten (10)~~ days from the date notice of a claim was mailed to it by the Commission, such individual or organization shall be deemed to have waived all rights in connection with such claim, including any rights it may have under Subsection 7(c) (2) of this Act, except with respect to a clerical or machine error as to the amount of its chargeback or maximum potential chargeback in connection with such claim.

"The Commission shall determine whether such initial claim is valid. If such initial claim is valid, the Commission shall determine the benefit year, the benefit amount for total unemployment and the duration of benefits. A notice of the determination of the initial claim shall be mailed to the claimant at his last known address as reflected by Commission records. The claimant may within twelve (12) calendar days from the date such notice was mailed request a redetermination or appeal in the manner provided in this Section.

"If such individual or organization for which claimant last worked has filed a notification with the Commission in accordance with this Section, an examiner shall make a determination as to whether the claimant is disqualified from receipt of benefits under Section 5 of this Act, as to any other issue affecting the claimant's right to receive benefits which may have arisen under any other provision of this Act, and as to whether a chargeback shall be made to the account of the individual or organization if benefits are paid, and shall mail a copy of the determination to the claimant and to such individual or organization, or the branch or division for which the claimant last worked. In the absence of such notification from such individual or organization, if, from information on the claim or other information secured, an issue is raised affecting the claimant's rights to benefits under any provision of this Act, an examiner shall prepare a determination reflecting his decision and mail a copy of it to the claimant at his last known address.

"Unless the claimant or the individual or organization or branch thereof to which the copy of the determination is mailed files an appeal from such determination within twelve (12) calendar days after such copy of the determination is mailed to his or its last known address as reflected by Commission records, such determination shall be final for all purposes and benefits shall be paid or denied in accordance therewith; provided, that within the same period of time, an examiner may file an appeal from such determination, or may, if he discovers error in connection therewith or additional information not previously available, reconsider and redetermine any such determination, and such redetermination shall replace such determination and shall become final unless an appeal therefrom is filed by such claimant or such individual or organization within twelve (12) calendar days after a copy of such redetermination was mailed to his or its last known address as reflected by Commission records.

"Notwithstanding any other provision of this Act, benefits shall be paid promptly in accordance with a determination or redetermination of an examiner, or a decision of an appeal tribunal, the Commission, or a reviewing court, upon the issuance of the determination, redetermination or decision, regardless of the pendency of the period to apply for reconsideration, file an appeal, or petition for judicial review, or the pendency of any such application, filing, or petition. If the determination, redetermination, or decision is modified or reversed by a subsequent redetermination or

decision, benefits shall be paid or denied thereafter in accordance with the modifying or reversing redetermination or decision. If a determination or decision is finally modified or reversed to deny benefits, no chargeback shall be made to the employer's account for payments made to the claimant for any benefit period with respect to which the claimant is finally denied benefits. Any benefits paid to the claimant not in accordance with the final decision shall be refunded by the claimant to the Commission or, in the discretion of the Commission, shall be deducted from future benefits payable to him under this Act. ~~[If an appeal is duly filed, benefits with respect to the period of time prior to the final determination of the Commission shall be paid only after such determination; provided, that if an appeal tribunal affirms a determination of an examiner, or the Commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no chargeback shall be made to the employer's account by reason of such payment.]~~"

Sec. 3. Subdivision (2) (B), Subsection (c), Section 7, Texas Unemployment Compensation Act, as amended (Article 5221b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"(2) (B) To each employer to whom notice of an initial claim has not already been mailed under subsection 6(b) of this Act, and whose account is potentially chargeable with benefits as the result of such initial claim and payment of benefits, a notice of his maximum potential chargebacks shall be mailed when benefits are first paid and an opportunity afforded for protest of his potential chargebacks. If any such employer desires to protest his potential chargebacks, he shall, within fifteen (15) ~~ten (10)~~ days after such notice was mailed to him, mail his protest, including a statement of the facts upon which his protest is based, to the Commission at Austin, Texas. Any employer who does not protest his potential chargebacks within fifteen (15) ~~ten (10)~~ days after notice was mailed to him shall be deemed to have waived his right to protest such chargebacks. If a timely protest is filed, the examiner shall promptly decide the issues involved in such protest and shall mail a notice of his decision thereon to the protesting employer. Such decision shall become final twelve (12) days from the date of mailing thereof, unless such employer mails to the Commission at Austin, Texas, a written appeal therefrom within such twelve (12) days. Administrative review hereunder shall be in accordance with Commission rules or regulations, and appeals to the Courts shall be permitted only after such employer has exhausted his administrative remedies (not including a motion for rehearing) before the Commission, and within the time prescribed by subsection 6(h) and subsection 6(i) of this Act with respect to Commission decisions on benefits. Venue and jurisdiction of appeals to the Courts with respect to chargebacks shall be the same as venue and jurisdiction of suits to collect contributions and penalties under this Act.

"If notice of the claim has been sent previously to the employer under the provisions of Section 6 of this Act, the employer shall be mailed a notice of the amount of his potential chargeback resulting from the claim, and may, within fifteen (15) ~~ten (10)~~ days from the date such notice was mailed, protest any clerical or machine error as to amounts. Such employer shall be mailed a decision on such protest and may appeal within twelve (12) days from the date notice of such decision was mailed to him."

Sec. 4. This Act takes effect on January 1, 1976.

Sec. 5. The fact that the administrative and technical changes permitted under this Act are necessary and indispensable to the proper and efficient administration of the Texas Unemployment Compensation Act, as amended, and the fact that substantial relief can be given to both employers and claimants by reason of the changes permitted under this Act, create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended.

The Committee Amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**H.B. 1893(Snelson)--**

Senator Adams offered the following amendment to the bill:

Amend **H.B. 1893**, Section 1, by adding a new paragraph as Subsection (ii) to read as follows:

"(ii) In Gillespie, Kerr, Kimble, Llano, Mason, Menard, Real, San Saba, Schleicher, and Uvalde counties, orders, rules and regulations adopted in accordance with Section 8 of this Act shall not be effective as provided in Section 9 unless and until they have been approved by the Commissioners Court of each of such counties. The Commissioners Court in each county named in this subsection shall approve or disapprove the Commission's rule, regulation or order or part of order, at its next regular meeting occurring more than five (5) days after adoption by the Commission and notification of the counties cited herein. If approved, the rule, regulation or order becomes effective at the time specified in the proclamation by the Commission. If disapproved, for any of the above named counties, no public hearing on a similar proposal for the county may be held for a period of six (6) months unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six (6) month period. If the Commissioners Court disapproves the rules, regulations or orders, or parts of orders promulgated by the Commission, then the taking of the wildlife resources of the county is regulated either by the general law of this State or by the rules of the prior year, to be determined by an order of the commissioners court, until such time as the commissioners court approves rules, regulations, or orders subsequently promulgated by the Commission. If the commissioners court fails to designate either the general law or the rules for the prior year, the law or rule in effect for the prior year continues in effect."

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**H.B. 1990(McKnight)--**

Senator Adams offered the following Committee Amendment to the bill:

Amend **H.B. 1990**, as engrossed, as follows:

- (1) Strike the words "from and after January 1, 1976" at the end of Subsection (b) of Section 4.
- (2) Strike all of Subsection (a) of Section 8 and renumber Subsections (b), (c), and (d) of Section 8 as Subsections (a), (b), and (c), respectively.
- (3) Renumber Section 9 as Section 10, and add a Section 9 to read as follows:  
"Sec. 9. Except as provided by Section 8 of this Act, the provisions of this Act take effect on January 1, 1977."

The Committee Amendment was read and was adopted.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)



**H.B. 2179(Sherman)—**

Senator Sherman offered the following amendment to the bill:

Amend **H.B. 2179** by striking therefrom Section 1 of the bill and substituting in lieu thereof the following:

"Section 1. The Commissioners Court of Potter County may create a court to be held in Amarillo, Potter County, Texas, which shall be known as the County Court at Law No. 2 of Potter County."

The amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**H.B. 2194(Williams)—**

Senator Williams offered the following Committee Amendment to the bill:

Amend **H.B. 2194**, Section 1, Subsection (a), by adding the words "or fire department" after the words "police department".

The Committee Amendment was read and was adopted.

Senator Williams offered the following amendment to the bill:

Amend **H.B. 2194**, Section 1, by adding a new Subsection (c) to read as follows:

"(c) Education incentive pay shall relate to the successful completion of at least 60 semester hours in an accredited college or university with a minimum of 12 semester hours in fire science or other fire protection field of study such as courses dealing with technical support and administrative staff services having been completed. The phrase 'technical support', as used herein, shall mean fields of study which deal with fire suppression, fire prevention, fire prevention education, enforcement of building, fire and other codes related to the protection of life or property, photography, arson or fire investigation, criminal identification, polygraph, training, the technical phases of fire and emergency radio communication, and any other field of study relating to fire technical support which is directly related to the proper and efficient operation of the fire department as may be determined by the chief or head of such department. The phrase 'administrative staff services' as used herein shall mean fields of study which deal with fire administration, fire personnel including nonclassified personnel, and fire training procedures including basic and in-service training. This phrase shall also include fields of study which deal with fire press relations, fire community relations, and any other administrative fields of study which may be directly related to the proper and efficient operation of the fire department as may be determined by the chief or head of such department.

"Additional incentive pay may be offered upon the successful completion of 120 semester hours in an accredited college or university and the attainment of a Bachelor's degree, provided that such degree is in connection with a major in fire science, fire protection or any other field of study as fully described above.

"Such training incentive pay shall relate to the successful completion of education, training, and experience and the successful achievement of additional certification by the Texas Commission on Fire Protection Personnel Standards and Education. The phrase 'additional certification' as used herein shall mean certification by the Texas Commission on Fire Protection Personnel Standards and Education in excess of the basic fire fighter certification. This phrase is intended to include but is not

limited to the intermediate, advanced or other certificates authorized by said Commission. The City Council or legislative body may offer different amounts of incentive pay for different levels of certification."

The Committee Amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**H.B. 2168(Williams)--**

Senator Williams offered the following Committee Amendment to the bill:

Amend **H.B. 2168**, Engrossed Copy, as follows:

(1) On page 1, line 3, strike the words "Harris County" and insert in their place the words "certain counties".

(2) Strike the material on page 1, lines 6 and 7, and insert in its place the following:

"(1) 'Commissioners court' means the commissioners court of any county with a population of more than 1,500,000, according to the last preceding federal census."

(3) On page 1, line 14, strike the words "Harris County" and insert in their place the words "a county with a population of more than 1,500,000, according to the last preceding federal census,".

(4) On page 2, line 4, strike the words "Harris County" and insert in their place the words "a county with a population of more than 1,500,000, according to the last preceding federal census,".

(5) On page 6, line 2, strike the words "Harris County" and insert in their place the words "in the county in which the commissioners court has jurisdiction".

(6) On page 7, line 17, strike the words "of Harris County" and insert in their place the words "in the county in which the commissioners court has jurisdiction".

The Committee Amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.(31-0)(31-0)

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, May 29, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House concurred in Senate amendments to **H.B. 115** by record vote of 141 Yeas. 3 Nays.

**S.B. 683**, A bill to be entitled An Act relating to the compensation of the court reporter of the County Court at Law of Hidalgo County; amending Section 10, Chapter 25, Acts of the 52nd Legislature, 1951, as amended (Article 1970-341, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.C.R. 92**, Recalling **S.B. 527** from the Governor.

**S.B. 7**, A bill to be entitled An Act validating the incorporation, boundaries, and governmental proceedings of certain cities and towns; providing certain exceptions; and declaring an emergency. (With amendments)

**S.B. 190**, A bill to be entitled An Act relating to the creation of the County Criminal Courts at Law Nos. 8, 9, and 10 of Harris County and the County Civil Court at Law No. 4; making other provisions relative to the courts; and declaring an emergency. (With amendment)

**S.B. 230**, A bill to be entitled An Act relating to persons who must acquire a commercial game bird breeder's license and the requirement that every holder of a game bird breeder's license band live birds before selling them; amending Sections 1 and 3 and Subsection (b) of Section 6, Chapter 119, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 978k-1, Vernon's Texas Penal Code); and declaring an emergency. (With amendment)

**S.B. 405**, A bill to be entitled An Act relating to the certification and licensing of psychologists; amending the Psychologists' Certification and Licensing Act, as amended (Article 4512c, Vernon's Texas Civil Statutes), by amending Sections 2, 8, 11, 16, 17, 21, 22, and 23, and by adding Section 24A; and declaring an emergency. (With amendments)

**S.B. 434**, A bill to be entitled An Act relating to refunding of certain tuition and fees by institutions of higher education; amending Subchapter A, Chapter 54, Texas Education Code, by adding Section 54.006; and declaring an emergency.

**S.B. 453**, A bill to be entitled An Act relating to the making of certain advance payments to tort claimants; and declaring an emergency.

**S.B. 454**, A bill to be entitled An Act relating to the power of a higher education authority to issue bonds for the purchase of certain student loan notes; amending Chapter 53, Texas Education Code, by adding Section 53.47; and declaring an emergency.

**S.B. 510**, A bill to be entitled An Act relating to county road engineers; amending Section 6, Optional County Road Law of 1947, as amended (Article 6716-1, Vernon's Texas Civil Statutes); and declaring an emergency. (With amendments)

**S.B. 567**, A bill to be entitled An Act amending Section 36 of the Texas Probate Code relating to the duty and responsibility of County and Probate Judges; and declaring an emergency.

**S.B. 569**, A bill to be entitled An Act amending Sections 39(b), 39(c), 39(d), and 57 of Article 5547, of the Texas Mental Health Code and providing for appeal to the Court of Civil Appeals in Temporary and Indefinite Commitments; and providing for discretion by the Court in releasing the proposed patient pending appeal; and declaring an emergency. (With amendments)

**S.B. 574**, A bill to be entitled An Act amending Article 322 of the Revised Civil Statutes of Texas, 1925, as last amended by Section 2, Chapter 538, Acts of the 60th Legislature, 1967, and declaring an emergency.

**S.B. 856**, A bill to be entitled An Act relating to abolishing the offices of county superintendent of schools and the county board of school trustees in La Salle County; and declaring an emergency.

**S.B. 889**, A bill to be entitled An Act authorizing the Comptroller in certain instances to grant a reasonable extension of time for a person to file a tax return, and authorizing the Comptroller to determine if penalty and interest are due and payable; amending Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended, as follows: adding a Section (h) to Article 1.13, providing for an effective date; and declaring an emergency.

**S.B. 890**, A bill to be entitled An Act providing where the person required to file any report required under this Title exercised reasonable diligence penalty and interest shall not be due and payable; amending Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended, as follows: adding an Article 1.13A; providing an effective date; and declaring an emergency.

**S.B. 1003**, A bill to be entitled An Act authorizing the Parks and Wildlife Department to charge entrance or gate fees at State Parks; exempting from such fees persons desiring to enter or to leave public beaches in such parks; amending Chapter 453, Acts of the 60th Legislature, Regular Session, 1967 (Article 6070h, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 1015**, A bill to be entitled An Act relating to the issuance by the State of Texas, any department, board, agency, or instrumentality of the State of Texas, any municipal corporation, any political subdivision, any district, authority, or other political corporation of the State of Texas having authority to issue certain public securities exchange, and the registration of certain public securities as defined in this Act; and declaring an emergency.

**S.B. 1044**, A bill to be entitled An Act relating to the issuance and sale of revenue bonds as special obligations of the Hospital District of the City of Amarillo; amending Chapter 136, Acts of the 55th Legislature, Regular Session, 1957, as amended, by adding Section 3A; and declaring an emergency.

**S.B. 1047**, A bill to be entitled An Act relating to the conduct of elections, the qualifications for voting, and procedures and matters incidental to the holding of elections in this state; containing criminal penalties, etc.; and declaring an emergency. (With amendment)

**S.B. 1067**, A bill to be entitled An Act relating to the powers and duties of the board of directors of the Parker County Hospital District; amending Section 5, Chapter 35, Acts of the 59th Legislature, Regular Session, 1959; and declaring an emergency.

**S.B. 1072**, A bill to be entitled An Act amending Section 1 of Acts 1967, 60th Legislature, page 852, Chapter 361 (codified as Article 1650a, Vernon's Texas Civil Statutes); and declaring an emergency.

**S.B. 1076**, A bill to be entitled An Act relating to the appointment of a juvenile officer for Henderson County; amending Section 2, Chapter 508, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139AAA, Vernon's Texas Civil Statutes), by adding Subsection (c); and declaring an emergency.

**S.B. 1088**, A bill to be entitled An Act relating to the compensation of commissioners of certain drainage districts; amending Subsection (a), Section 7, Article